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11 AXA EQUITABLE LIFE INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT OF CALIFORNIA
13 SOUTHERN DIVISION

14 AXA EQUITABLE LIFE INSURANCE
15 COMPANY,

16 Plaintiff,

17 v.

18 H. THOMAS MORAN, II, Court-
19 Appointed Receiver of LYDIA CAPITAL,
20 LLC, and DAWSON & OZANNE, as
21 Trustee of the Alvin Fischbach Irrevocable
22 Trust,

23 Defendants.

Case No. 3:08-cv-00569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANTS H.
THOMAS MORAN, II, COURT-
APPOINTED RECEIVER OF LYDIA
CAPITAL, LLC, AND DAWSON &
OZANNE TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF AXA EQUITABLE LIFE
INSURANCE COMPANY'S
COMPLAINT**

24 Plaintiff AXA Equitable Life Insurance Company ("AXA Equitable") and
25 Defendants H. Thomas Moran, II, Court-Appointed Receiver of Lydia Capital, LLC
26 ("Mr. Moran"), and Dawson & Ozanne hereby submit this Joint Motion for Extension of
27 Time for Defendants Mr. Moran and Dawson & Ozanne to Answer or Otherwise
28 Respond to Plaintiff's Complaint, and in support thereof, aver as follow:

1. On March 26, 2008, AXA Equitable filed its Complaint in this action.
2. On March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of

Summons and agreed to answer or otherwise respond to AXA Equitable's Complaint by May 26, 2008. On April 30, 2008, counsel for Dawson & Ozanne signed a Waiver of Service of Summons and agreed to answer or otherwise respond to AXA Equitable's Complaint by May 27, 2008.

3. On May 1, 2008, counsel for Mr. Moran, provided counsel for AXA Equitable with information in his possession relating to the underlying claims.
4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with information in its possession relating to the underlying claims.
5. Based on information exchanged by AXA Equitable and Defendants, AXA Equitable intends to amend its Complaint. In addition, the parties have been meeting and conferring, and are planning a settlement conference on or about August 6, 2008, the earliest mutually agreeable date, which may lead to a resolution of the issues presented in the litigation. Therefore, an extension of time for the defendants to respond to the complaint will allow for a more meaningful settlement discussion.
6. In this light, and in order to allow the parties additional time to evaluate and discuss the underlying claims at issue, AXA Equitable, Mr. Moran, and Dawson & Ozanne respectfully move this Court for an extension until August 29, 2008 for Mr. Moran and Dawson & Ozanne to answer or otherwise respond to AXA Equitable's Complaint.
7. AXA Equitable, Mr. Moran and Dawson & Ozanne have previously requested, and the Court has granted, extensions for the defendants to answer or otherwise respond to AXA Equitable's Complaint.

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WHEREFORE, AXA Equitable Life Insurance Company, Mr. Moran, and Dawson & Ozanne respectfully request that the Court grant this Joint Motion for an extension until August 29, 2008 for Defendants Mr. Moran and Dawson & Ozanne to answer or otherwise respond to Plaintiff's Complaint.

Dated: July __, 2008

/s/ James A. Tabb

/s/ S. Fey Epling

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14 Appointed Receiver for Lydia Capital, LLC